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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,409	07/24/2003	Bruno Richard	B-5180 621124-3	2830

7590 07/10/2008
Hewlett-Packard Company
Intellectual Property Administration
P.O. Box 272400
3404 E. Harmony Road
Fort Collins, CO 80527-2400

EXAMINER

DAILEY, THOMAS J

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10627409	7/24/2003	RICHARD ET AL.	B-5180 621124-3

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EXAMINER

THOMAS J. DAILEY

ART UNIT	PAPER
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2152	20080702
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DATE MAILED:

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Commissioner for Patents

The reply filed 3/26/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):
Appropriate fees have not been paid for excess independent claims that have been maintained in the amendment. See MPEP 714.10 and 37 CFR 1.16(h).

As the examiner previously informed the applicant, claims 14-16 are not proper dependent claims and appropriate fees have not been paid. The applicant has disagreed, maintained said claims, and refused to pay the appropriate fees. The applicant states, "If [claims] have somewhat different scopes, they are proper dependent claims...Dependent claims are claims which depend from another claim." The examiner disagrees with this assertion.

The examiner notes that dependent claims are defined more narrowly by 35 U.S.C. 112 fourth, which recites, in full, "Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers."

For example, claim 15 recites, "Router comprising means for performing the process defined by claim 1." How can a router (i.e. a device) incorporate all limitations of claim 1, a process? A router does not and cannot comprise steps or acts. A router is a device that executes a process; it is not the process, as the claim states. Therefore, in order for this claim to be evaluated by the examiner it must be interpreted as an independent claim, that is as a router executing a process.

In order for any subsequent amendment to be fully responsive to the prior Office Action, appropriate fees must be paid for 3 additional independent claims, 3 independent claims must be canceled, or a requisite number of independent claims must amended so as to make them proper dependent claims. See MPEP 714.10 and 37 CFR 1.16(h).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is 571-270-1246. The examiner can normally be reached on Monday thru Friday; 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bunjob Jaroenchonwanit/
Supervisory Patent Examiner, Art Unit 2152

PTO-90C (Rev.04-03)